

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 CHRISTOPHER M SCALES,

11 Petitioner,

12 v.

13 JEFFREY A UTTECHT,

14 Respondent.

CASE NO. C12-5082 RJB-JRC

ORDER GRANTING
RESPONDENT'S MOTION FOR AN
EXTENSION OF TIME

15 The District Court has referred this petition for a writ of habeas corpus to United States
16 Magistrate Judge, J. Richard Creatura. The authority for the referral is 28 U.S.C. § 636(b) (1) (A)
17 and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks relief from a state
18 conviction, thus, the petition is filed pursuant to 28 U.S.C. § 2254.

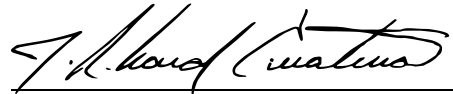
19 Respondent asks the Court for an extension of time to file an answer and supplies the
20 declaration of Assistant Attorney General John Sampson in support of the motion (ECF Nos. 14,
21 15). Mr. Sampson explains that he has ordered files from the Washington State Court in order to
22 review petitioner's claims and file an answer, but that he has not yet received all the files he
23
24

1 needs (ECF. 15). In particular, Mr. Sampson has not yet received the state court file in a personal
2 restraint petition in the State Supreme Court, In re Scales, cause number 86714-3.

3 Petitioner responds and argues that the case respondent is waiting for has nothing to do
4 with his petition and that the motion should be denied (ECF No. 16). Petitioner attaches copies of
5 a pleading in support of his argument. The pleadings do not support petitioner's position and
6 contains arguments that petitioner is challenging his criminal conviction (ECF No. 16). Further,
7 respondent's counsel is entitled to make a diligent search of the record before being required to
8 make a response that may bind the state.

9 Respondent has shown good cause for an extension of time. The motion is granted and
10 the Response filed on June 15, 2012 (ECF No. 17) will be considered timely.

11 Dated this 18th day of June, 2012.

12
13 

14 J. Richard Creatura
United States Magistrate Judge
15
16
17
18
19
20
21
22
23
24